

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RUSSELL WYDELL COLEY,

Plaintiff,

v.

GEORGE W. HILL PRISON (GWHCF),  
CURRENT WARDEN; GEO GROUP INC.  
(aka) COMMUNITY EDUCATIONS, INC.;  
CROZIER CHESTER MEDICAL  
CENTER, SARAH FALGAWSKI, M.D.;  
MICHELLE SOHADE, SECURITY  
SUPER.; UPLAND POLICE DEPT.  
CORPORAL WILLIAM MEYER,

Defendants.

CIVIL ACTION NO. 18-4127

**ORDER**

**AND NOW**, this 6th day of November, 2018, after considering the application for leave to proceed *in forma pauperis* (Doc. No. 6), inmate trust fund account statement (Doc. No. 3), complaint (Doc. No. 2), and motion for appointment of counsel (Doc. No. 7) filed by the *pro se* plaintiff, Russell Wydell Coley; and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The application for leave to proceed *in forma pauperis* (Doc. No. 6) is **GRANTED** and the plaintiff has leave to proceed *in forma pauperis*;

2. The plaintiff, Russell Wydell Coley, #18006220, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by the plaintiff, he is not assessed an initial partial filing fee. In each month when the amount in the plaintiff's inmate trust fund account exceeds \$10.00, the warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding

month's income credited to the plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-4127;

3. The Clerk of Court is **DIRECTED** to send a copy of this order to the warden of the George W. Hill Correctional Facility;

4. The complaint (Doc. No. 2) is **DEEMED** filed;

5. The plaintiff's claims against Sarah Falgowski and Michelle Schade are **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);

6. The plaintiff's claims against the "Current Warden" of the George W. Hill Correctional Facility and the GEO Group, Inc. are **DISMISSED WITHOUT PREJUDICE**. The plaintiff may not file an amended complaint in this case because he has improperly joined these claims with his claims against William Meyer. Nonetheless, if the plaintiff seeks to amend and proceed on his claims against the Warden and the GEO Group, he may file a new civil action by submitting to the Clerk of Court a new complaint along with either the fees or a motion to proceed *in forma pauperis* with a copy of his prisoner account statement showing six months of account activity. Any complaint shall identify all defendants in the caption and shall clearly state the basis for the plaintiff's claims against each named defendant;

7. The plaintiff's false arrest claim against William Meyer is **STAYED** until the plaintiff informs the court that his related criminal case has been resolved, including any available appellate proceedings;<sup>1</sup>

8. The motion for the appointment of counsel (Doc. No. 7) is **DENIED WITHOUT PREJUDICE** to the plaintiff renewing his motion when the court lifts the stay in this matter; and

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<sup>1</sup> See *Commonwealth v. Coley*, No. CP-23-CR-5357-2018 (C.P. Delaware).

9. The clerk of court shall place this matter in **CIVIL SUSPENSE** pending further order of court.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.